

## Ask the Probate Judge—Where to Examine Wills

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**Q: I love your column, which has encouraged my husband and me to "get our docs" in a row and get going on our wills. However, I would like a sample of a New Mexico will. I have called the UNM Law Library, but they have don't have actual samples. I have some blank forms, but would appreciate seeing one filled in and put together. J.L.B., Santa Fe**

Once a person files a probate case at the probate or district court, the case file, including the decedent's will, becomes public record. That is why we have copies of the wills of Elvis Presley, Jacqueline Kennedy Onassis, John Lennon, and Marilyn Monroe floating around on the internet.

You can visit your local New Mexico probate or district court and examine any probate case file to obtain samples of New Mexico wills. The list of documents filed in many district court cases can be researched ahead of time at [www.nmcourts.com/caselookup/](http://www.nmcourts.com/caselookup/).

In the district courts, probate cases start with PB. Once you access case lookup, check the box beside "Limit Search to Case Numbers With" and type "PB" in the Case Category. You must also enter a name. Entering a common surname and the Case Category PB brings up many cases for your consideration. Using case lookup ahead of time allows you to request from the district court a specific file using the case number.

Actual document images are not available using case lookup. If you visit the courts and request *testate* probate case files, you should find samples of wills.

You will not know whether you like the style, format, or wording of a particular will until you examine it. When perusing case files, look for wills that were created by reputable law firms or lawyers to use as examples, rather than fill-in-the-blank forms.

You cannot remove case files from the courts. However, you can request copies of any document, including a will, for a small fee. In our court, the cost is 50 cents per page. Our court is fully staffed from 8:00 – 4:30 p.m. In smaller counties, one should call first to arrange a time to examine the case files of a probate court. Call your district court ahead of time too to learn its procedure for public viewing of probate files.

The courts may or may not be pleased that I disclosed this information. Nonetheless, most court records are subject to inspection and copying under New Mexico's Inspection of Public Records Act. Nor do I expect a mass of people to head down to the courts to read other peoples' wills.

A note of caution: another person's will may not contain the provisions that "fit" your estate planning needs. Also, drafting your own will may not be wise. Knowledge of community property law, titling of assets, tax laws, tangible personal property, family allowances, and other estate planning issues is essential to drafting a valid will. Knowing what legal terms to use and how to designate alternate personal representatives and devisees is very important.

People who write their own wills may think they are saving time and money. But if they create an ambiguous or incomplete will, hiring an attorney to prepare a will would have been far less expensive in the long run. The more assets you own, the more sense it

makes to have a reputable attorney examine your estate and property titles, question your goals in detail, and prepare your will and other legal documents.

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